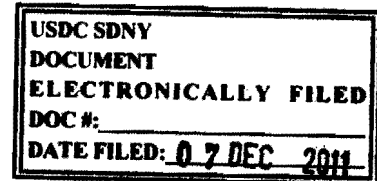


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
:  
**Keith Bell,**

Petitioner, :

-v- :

**Napoli,**

Respondent. :

08 Civ. 9900 (KBF)

MEMORANDUM OPINION  
AND ORDER

-----X  
:  
KATHERINE B. FORREST, District Judge:

Pro se plaintiff Keith Bell filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. 2254 on November 17, 2008. On December 5, 2008, the Court ordered the respondent to answer the petition and referred the action to Magistrate Judge Michael H. Dolinger for the preparation of a Report and Recommendation pursuant to 28 U.S.C. § 636(b). On August 24, 2010, Judge Dolinger issued his Report and Recommendation to this Court.

#### DISCUSSION

In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). When specific objections are made, "[t]he district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3); United States v. Male Juvenile,

121 F.3d 34, 38 (2d Cir. 1997). To accept those portions of the report to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." King v. Greiner, No. 02 Civ. 5810 (DLC), 2009 WL 2001439, at \*4 (S.D.N.Y. July 8, 2009) (citation omitted); see also Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

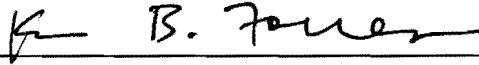
#### CONCLUSION

Careful review of the Report reveals that there is no facial error in its conclusions. For the reasons given in this Memorandum Opinion, petitioner's objections to the Report are denied following a de novo review of his claims. The petition for habeas corpus is denied. In addition, the Court declines to issue a certificate of appealability. Petitioner has not made a substantial showing of a denial of a federal right pursuant to 28 U.S.C. § 2253(c), and appellate review is therefore not warranted. Love v. McCray, 413 F.3d 192, 195 (2d Cir. 2005). The Court also finds pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith. Coppedge v. United States, 369 U.S. 438, 445 (1962).

The Clerk of Court is directed to enter Judgment dismissing this action.

SO ORDERED:

Dated: New York, New York  
December 7, 2011

  
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KATHERINE B. FORREST  
United States District Judge